

# **EXHIBIT F**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CIVIL ACTION NO. 02-2917(JEI)

PATRICK BRADY, et al.,                     :  
    Plaintiff,                                 :  
  :  
    v.   :  
  :  
AIR LINE PILOTS ASSOCIATION,           :  
    Defendant.                             :

Transcript of the deposition of KATIA P.

SYCARA, Ph.D., called for Oral Examination in the  
above-captioned matter, said deposition taken by  
and before SILVIA P. WAGE, a Certified Shorthand  
Reporter, Certified Realtime Reporter, Registered  
Professional Reporter, and Notary Public for the  
States of New York, New Jersey, Pennsylvania and  
Delaware, at the offices of PAUL WEISS RIFKIND  
WHARTON & GARRISON, LLP, 1285 Avenue of the  
Americas, New York, New York, on Friday, April 5,  
2013, commencing at 9:13 a.m.

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1 KATIA P. SYCARA, Ph.D.

2 Q. -- the seniority list, the but for  
3 seniority list.

4 And I asked whether you agree with him  
5 that if your theory was applied properly, it  
6 still would not allow us to construct a but for  
7 seniority list?

8 A. I agree.

9 Q. Alright. Now, we talked just around  
10 the edges a little bit about the paper  
11 "Persuasive Argumentation Negotiation," which is  
12 your 1990 paper?

13 A. Correct.

14 Q. And since that's the only paper that  
15 I'm going to refer to here, if I refer to your  
16 paper or your article, can we agree that I'm  
17 referring to this 1990 paper so I don't have to  
18 say the whole name every time?

19 A. Yes.

20 Q. Alright. Thank you. It saves us all  
21 a lot of time here.

22 The very first sentence of your  
23 introduction to your paper says, quote,  
24 "Negotiation is an ill-structured and complex  
25 process that to date has defied all attempts and

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2 analysis," close quote.

3 I assume that you felt that was a true  
4 and important statement back in 1990?

5 A. Correct.

6 Q. Is it still a true statement to your  
7 view?

8 A. It depends on what you mean by  
9 "analysis." And I think it is a true statement.

10 Q. Alright. So, while one can study  
11 negotiations and that process, it still remains  
12 ill-structured and complex?

13 A. Yes.

14 Q. And there's still isn't an analysis  
15 in place that allows one to, you know, explain  
16 with clarity and, I guess, perfection, what's  
17 involved in negotiation?

18 A. Various parts of negotiation could be  
19 explained. But one needs to take the particular  
20 circumstances into consideration.

21 Q. When you say --

22 A. So --

23 Q. I'm sorry.

24 A. So, the particular circumstances, for  
25 example, what the, you know, what the issues are

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2 A. You said that. I didn't.

3 Q. No, I can infer from your response.

4 One of the things you said I thought was  
5 interesting in your model is you create a  
6 hierarchy of arguments from the least powerful  
7 category to the most powerful category. You have  
8 nine categories in all, correct?

9 A. (No response.)

10 Q. And you say once the model -- whether  
11 it's being exercised by a program or a person or  
12 whatever -- generates arguments, that you should  
13 use the weakest form of argument first and then  
14 build your way up to the stronger argument; is  
15 that correct?

16 A. That is correct.

17 Q. Why would one use a weaker argument  
18 first using up your weaker arguments before you  
19 get to your stronger arguments?

20 A. So you don't exhaust all your  
21 arguments.

22 Q. And is there an accumulative impact  
23 from arguments?

24 A. Could be.

25 Q. I believe -- at Page 216 through 217

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2 of your paper, you say, quote, "The following  
3 ordering of persuasive power from weak to  
4 strongest holds true for the labor mediation  
5 domain. We present the justifications from  
6 weakest to strongest because we predict in cases  
7 where more than one argument is applicable, this  
8 is the order of presentation of arguments. This  
9 happens because the persuader does not want to  
10 waste his strongest argument immediately but  
11 wants to wear down the persuadee with cumulative  
12 effective arguments that escalate a convincing  
13 power," close quote.

14 A. Right.

15 Q. So would you agree with me that if  
16 you have two arguments, that's more persuasive  
17 than just having one of those two arguments?

18 A. Well, depending on -- I mean,  
19 depending on what kind of arguments they are,  
20 depending on what I'm trying to influence and  
21 depending, of course, on your reaction because,  
22 as I say later on, some of these arguments could  
23 backfire.

24 Q. There is potential for backfire?

25 A. Right. So they can have the opposite

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2 effect.

3 Q. In the initial stage, though, let's  
4 say your process generates a group of ten  
5 potential arguments.

6 A. Uh-huh.

7 Q. You would order them from the weakest  
8 to the strongest?

9 A. Uh-huh.

10 Q. Is that right?

11 A. Yes.

12 Q. You have to say yes or no. Those  
13 don't get picked up.

14 A. Yes.

15 Q. And, then under your model, you would  
16 use the weakest of those ten arguments first?

17 A. Yes.

18 Q. And, if that argument convinces the  
19 other side to agree to what you want, then you're  
20 done, right?

21 A. Right.

22 Q. And you never have to use the other  
23 nine arguments?

24 A. Right, uh-huh.

25 Q. If the first one doesn't persuade,



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2 then you can roll out the second argument; is  
3 that right?

4 A. That's right.

5 Q. And see if that has the necessary  
6 impact?

7 A. Sure.

8 Q. And even if the argument doesn't  
9 convince the other side to agree to what you  
10 proposed, it may very well move their internal  
11 line somewhat closer to where you are, even if it  
12 hasn't reached a place where you want them to be;  
13 is that a fair statement?

14 A. That's a fair statement.

15 Q. Because that's my understanding from  
16 your paper.

17 A. Yeah, yeah, that is a fair statement.

18 Q. And that's what you say in your  
19 paper?

20 A. That's what I say in my paper, but  
21 also you need -- what I say in my paper is you  
22 also look to see what is their reaction of the  
23 other, right, so it's an iterative process. It's  
24 not that just someone sits there and spews  
25 arguments.

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2 longer valid because of changes in circumstances  
3 and the rest of it; is that a fair statement?

4 A. That's a fair statement.

5 Q. Okay. And hope is that by the time  
6 you get to your last argument, your strongest  
7 argument, that, at least, at that point you can  
8 push them over the line to reach a settlement?

9 MS. ROMM: Objection to form.

10 Q. Is that a fair statement?

11 A. That's a fair statement.

12 Q. And if you don't, then the  
13 negotiation will terminate because you have no  
14 more arguments?

15 A. Yes, it could be. It could terminate  
16 or other things could happen, but it could  
17 terminate.

18 Q. What other things could happen?

19 A. Well, I don't know. The other person  
20 could change their mind, for example.

21 Q. And one of the things -- you don't  
22 call it an argument, I don't believe. But one of  
23 the things that one can do in a circumstance like  
24 this is withdraw from negotiation for a while?

25 A. Correct.

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2 it's...

3 Q. In your paper, Page 226.

4 MS. ROMM: Thank you.

5 Q. Going back to something we talked

6 about earlier about using the weaker or less

7 convincing arguments first.

8 A. Uh-huh.

9 Q. You say the following and I'll just  
10 read it out. Quote, "The policy that the  
11 persuader uses is to generate the weakest less  
12 convincing argument first, reserving strong  
13 arguments for situations where the weak ones have  
14 been rejected. The hierarchy of convincing power  
15 of arguments of Section 4 ranks the strength of  
16 an argument for the labor domain. The policy of  
17 presenting the weakest argument first is  
18 effective because, a, the persuader has recourse  
19 to other stronger arguments if the weaker ones  
20 fail and, b, the cumulative effect of a series of  
21 arguments may have a desired effect where single  
22 even the strongest argument might have failed,"  
23 close quote.

24 And if you want to see the text --

25 A. That's fine.

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2 Q. That was an accurate statement of  
3 your views and theory at the time you wrote the  
4 article in --

5 A. Correct.

6 Q. And is it still today?

7 A. Possibly. That would -- I would say  
8 when I say accurate statement, I would say that  
9 it's a reasonable statement.

10 Q. Okay. And I'd like to focus your  
11 attention, particularly, on the last part of that  
12 statement where it says that, "the cumulative  
13 effect of a series of arguments may have a  
14 desired effect where a single even the strongest  
15 argument might have failed."

16 Can you explain why that would be?

17 A. It is not a matter of why. This is  
18 not a causal theory. It's -- so one could  
19 believe that parties in the negotiation might be  
20 influenced differentially by different arguments.  
21 The others could also be -- as I said, for  
22 example, threats could backfire.

23 So stronger -- so depending on the  
24 situation, depending on the character of the  
25 people, depending on the issues on the table,

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2 by the AT&T message accrued in simplistic too,"  
3 close quote.

4 In the year since doing this paper, do  
5 you still find this to be a true statement of the  
6 world of argument?

7 A. It could be. I mean, this is -- for  
8 some, as I said, surprisingly some of them. So I  
9 cannot say with certainty that I've read all the  
10 -- since then, I've read all arguments and all  
11 negotiations. I haven't, as a matter of fact.

12 So I would say I have no particular  
13 knowledge to say no or to say yes.

14 Q. Also, elsewhere in your paper you  
15 referred to the fact that an argument can be  
16 persuasive even if it makes no logical sense or  
17 it doesn't follow reason, it could still be  
18 persuasive.

19 A. Yeah, I mean -- yes, but I believe  
20 that you are -- yeah, you have to just look at  
21 political arguments.

22 Q. You're not getting an argument from  
23 me.

24 We talked briefly about threatening  
25 arguments.